

**FINAL EXPRESS TERMS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT  
  
REGARDING PROPOSED CHANGES TO  
2007 CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1, CHAPTER 7**

**LEGEND FOR EXPRESS TERMS**

1. Existing California amendments or code language being modified: Modified language is underlined.
2. Repealed text: All such language appears in ~~strikeout~~.

**EXPRESS TERMS**

**CHAPTER 7 – SAFETY STANDARDS FOR HEALTH FACILITIES**

**ARTICLE 1 – GENERAL**

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**7-104. Alternate method of compliance.** The provisions of the California Building Standards Code (CBSC) are not intended to prevent the use of any alternate method of compliance not specifically prescribed by the CBSC, provided written approval for such alternate method has been granted by the Office. Alternate methods include Alternate Means of Protection, Alternate Method of Compliance, Alternative System, designs required by regulations to be specifically approved by the enforcing agency, and Program Flexibility. A written request shall be submitted to the Office with an Alternate Method of Compliance form provided by the Office and supporting documentation as necessary to assist the Office in its review. The written request shall include substantiating evidence in support of the alternate. If the request is submitted prior to the submittal of construction documents, an Application for Plan Review form must also be submitted with a fee pursuant to Section 7-133(a)3. A request approved by the Office shall be limited to the specific request and shall not be construed as establishing a precedent for any future requests. The provisions of the following sections must also be met: Section 104.11 of Appendix Chapter 1 and Section 1224.2, California Building Code; Article 90.4, California Electrical Code; Section 105.0 of Appendix Chapter 1, California Mechanical Code; Section 301.4, California Plumbing Code; and Section 111.2.4 of California Chapter 1, California Fire Code.

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**ARTICLE 2 – DEFINITIONS**

Unless otherwise stated, the words and phrases defined in this article shall have the meaning stated therein throughout Chapter 7, Part 1, Title 24.

## 7-111. Definitions.

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**ALTERNATE METHOD OF COMPLIANCE** means the approved use of an alternative material, method of construction, device, or design to comply with an architectural, electrical, mechanical, or plumbing regulation.

**ALTERNATE MEANS OF PROTECTION** means the approved use of an alternative material, assembly, or method of construction to comply with a fire and life safety regulation pursuant to Section 111.2.4, California Chapter 1, California Fire Code.

**ALTERNATIVE SYSTEM** means the approved use of an alternative material, design, or method of construction to comply with a structural regulation.

**APPROVED PLANS AND SPECIFICATIONS CONSTRUCTION DOCUMENTS** means all plans, specifications, addenda, ~~instruction bulletins, change orders, and deferred approvals~~ submittals which ~~that~~ have the written approval of the Office. The identification stamp of the Office shall not be construed to mean the written approval of plans required by Section 7-113.

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**ARCHITECT** means a person licensed as an architect ~~who is certified and holds a valid license~~ under Chapter 3 (commencing with Section 5500), Division 3, the California Business and Professions Code.

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**CIVIL ENGINEER** means ~~an a person licensed as a civil engineer holding a valid license~~ under Chapter 7 (commencing with Section 6700), Division 3, the Business and Professions Code.

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**DEFERRED APPROVALS SUBMITTALS** ~~see Section 7-126.~~ means ~~those portions of the construction that cannot be fully detailed on the approved plans because of variations in product design and manufacture.~~

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**ELECTRICAL ENGINEER** means a person licensed as an electrical engineer under Chapter 7 (commencing with Section 6700), Division 3, the California Business and Professions Code.

**ENGINEERING GEOLOGIST** means a person ~~who is validly certified as an engineering geologist~~ under Chapter 12.5 (commencing with Section 7800), Division 3, the California Business and Professions Code, in that branch of engineering which is applicable.

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### **EQUIPMENT**

Equipment to be used in projects shall be classified as building service equipment, fixed equipment, or movable equipment.

(a) Building service equipment includes items such as heating, ventilating, and air conditioning equipment; electrical power distribution equipment; emergency power generation equipment; energy/utility management systems; conveying systems; and other equipment with a primary function of building service. Examples include humidification equipment, filtration equipment, chillers, boilers, and fire pumps.

(b) **Fixed equipment** includes items that are permanently affixed to the building or permanently connected to a service distribution system that is designed and installed for the specific use of the equipment.

1. **Fixed medical equipment** includes, but is not limited to, such items as fume hoods, sterilizers, communication systems, imaging equipment, radiotherapy equipment, lithotripters, hydrotherapy tanks, audiometry testing chambers, and surgical and special procedure lights.
2. **Fixed nonmedical equipment** includes, but is not limited to, items such as walkin refrigerators, kitchen cooking equipment, serving lines, conveyors, central computer equipment, laundry, and similar equipment.

(c) **Movable equipment** includes items that require floor space or electrical and/or mechanical connections but are portable, such as wheeled items, portable items, office-type furnishings, and diagnostic or monitoring equipment.

1. **Movable medical equipment** includes, but is not limited to, portable X-ray, electroencephalogram (EEG), electrocardiogram (EKG), treadmill and exercise equipment, pulmonary function equipment, operating tables, laboratory centrifuges, examination and treatment tables, and similar equipment.
2. **Movable nonmedical equipment** includes, but is not limited to, personal computer stations, patient room furnishings, food service trucks, case carts and distribution carts, and other portable equipment.

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**HEALTH FACILITY** as used in this part and all applicable parts of the California Building Standards Code means any health facility licensed pursuant to Section 1250 of the Health and Safety Code under the jurisdiction of the Office.

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(b) **HOSPITAL BUILDING** does not include any of the following:

1. Any building in which outpatient clinical services of a health facility licensed pursuant to Section 1250 are provided that is separated from a building in which hospital services are provided. If any one or more outpatient clinical services in the building provide services to inpatients, the building shall not be included as a "hospital building" if those services provided to inpatients represent no more than 25 percent of the total outpatient visits provided at the building. Hospitals shall maintain on an ongoing basis, data on the patients receiving services in these buildings, including the number of patients seen, categorized by their inpatient or outpatient status. Hospitals shall submit this data annually to the ~~State Department of Health Services~~ Public Health.

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**MATERIALLY ALTER** as applied to construction projects or approved construction documents means any change, alteration, or modification, as determined by the Office, that alters the scope of a project, causes the project to be in noncompliance with the California Building Standards Code, or causes an unreasonable risk to the health and safety of patients, staff, or the public.

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**MECHANICAL ENGINEER** means a person licensed as a mechanical engineer under Chapter 7 (commencing with Section 6700), Division 3, the California Business and Professions Code.

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**PROGRAM FLEXIBILITY** means the approved use of an alternate space utilization, new concepts of design, treatment techniques, or alternate finish materials. Program flexibility requests must be reviewed by the Department of Public Health and the Office, or other authority having jurisdiction.

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**SIGN, SIGNED, SIGNATURE, SIGNATURES** means to affix an individual's signature by manual, electronic, or mechanical methods. Manual method includes, but is not limited to, a pen and ink signature. Electronic method includes, but is not limited to, scanned signature images embedded in construction documents, faxes, or other electronic document files. Mechanical method includes, but is not limited to, rubber stamp signature.

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**STRUCTURAL ENGINEER** means a person ~~who is validly certified to use the title~~ licensed as a structural engineer under Chapter 7 (commencing with 6700), Division 3, the California Business and Professions Code.

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### **ARTICLE 3 – APPROVAL OF ~~PLANS AND SPECIFICATIONS~~ CONSTRUCTION DOCUMENTS**

#### **7-113. Application for plan, report or seismic compliance extension review.**

(a) Except as otherwise provided in this part, before commencing construction or alteration of any health facility, the governing board or authority thereof shall submit an application for plan review to the Office, and shall obtain the written approval thereof by the Office describing the scope of work included and any special conditions under which approval is given.

1. The application shall contain a definite identifying name for the health facility, the name of the architect or engineer ~~of record~~ who is in ~~general~~ responsible charge of the work pursuant to Section 7-115(a), the names of the delegated architects or ~~registered~~ engineers responsible for the preparation of portions of the work pursuant to Section 7-115(a)3, the estimated cost of the project and all such information required for completion of the application. ~~Refer to Section 7-131 regarding incremental design, bidding and construction.~~ The architect or engineer in responsible charge or having delegated responsibility may name one or more persons to act as an alternate(s) provided such persons are architects or engineers qualified under these regulations to assume the responsibility assigned.

2. Submission of documents to the Office may be in three consecutive stages:

A. Geotechnical Review: One application for plan review and, when applicable, three copies of the site data must be attached.

B. Preliminary Review: ~~One copy~~ Two copies of reports or preliminary plans and outline specifications. ~~Two copies of preliminary plans and outline specifications must be submitted if additions, structural alterations or new buildings are included.~~ Plans/drawings size shall not exceed 36 x 48 inches and bundled sets of plans/drawings shall not exceed 40 lbs in weight.

C. Final Review: ~~One copy~~ Two copies of final ~~plans and specifications~~ construction documents and ~~or reports~~. ~~Two copies must be submitted if additions, structural alterations or new buildings are included.~~ Plans/drawings size shall not exceed 36 x 48 inches and bundled sets of plans/drawings shall not exceed 40 lbs in weight.

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(c) For every project there shall be an architect or engineer ~~of record~~ in ~~general~~ responsible charge of reviewing and coordinating all submittals, except as set forth in Section 7-115(c).

1. A project may be divided into parts, provided that each part is clearly defined by a building or similar distinct unit. The part, so defined, shall include all portions and utility systems or facilities necessary to the complete functioning of that part. Separate assignments of the delegated architects or engineers pursuant to Section 7-115(a)3 ~~of record~~ may be made for the parts. Incremental projects pursuant to Section 7-131 shall consist of only one building.

(d) The assignment of the delegated architect or engineer pursuant to Section 7-115(a)3 ~~of record~~ and the responsibility for the preparation of plans and specifications construction documents and the administration of the work of construction for portions of the work shall be clearly designated on the application for approval of reports or ~~plans and specifications~~ construction documents.

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#### **7-115. Preparation of ~~plans and specifications~~ construction documents and reports.**

(a) All ~~plans and specifications~~ construction documents or reports, except as provided in (c) below shall be prepared under ~~the general responsible charge of an architect or engineer of record~~ in responsible charge. Prior to submittal to the office, the architect or engineer ~~of record~~ in responsible charge for a project shall sign every sheet of the drawings, and the title sheet, cover sheet or signature sheet of specifications and reports. Annotation may be provided on the drawings indicating the architect's or engineer's role in preparing and reviewing the documents. Plans/drawings submitted to the office shall not exceed the size and weight described in Section 7-113(a)2.

1. Except as provided in paragraph 2 below, the architect or engineer ~~of record~~ in ~~general~~ responsible charge of the work shall be an architect or structural engineer.
2. For the purposes of this section, a mechanical, electrical or civil engineer may be the engineer ~~of record~~ in ~~general~~ responsible charge of alteration or repair projects that do not affect the architectural or structural conditions, and where the work is predominantly of the kind normally performed by mechanical, electrical, or civil engineers.
3. The architect or engineer in responsible charge may delegate the ~~P~~preparation of ~~plans and specifications~~ construction documents and administration of the work of construction for designated portions of the work ~~may be by~~ to other architects and/or engineers as provided in (b) below. Preparation of portions of the work by others shall not be construed as relieving the architect or engineer ~~of record~~ in responsible charge of his rights, duties and responsibilities under Section 129805 of the Health and Safety Code.

(b) Architects, ~~or engineers registered~~ licensed in the appropriate branch of engineering, ~~may~~ be responsible for the preparation of plans and specifications construction documents and administration of the work of construction as permitted by their license ~~or registration~~, and as provided below. Architects and engineers shall sign and affix their professional stamp to all drawings, specifications construction documents or reports that are prepared under their ~~responsible~~ charge. All ~~plans~~ construction documents shall be signed and stamped prior to issuance of a building permit.

1. The structural ~~plans and specifications~~ construction documents or reports shall be prepared ~~under the responsible charge of~~ by a structural engineer.
2. A mechanical or electrical engineer may prepare ~~plans, specifications~~ construction documents or reports for projects where the work is predominately of the kind normally prepared by mechanical or electrical engineers.
3. A civil engineer may prepare ~~plans-specifications~~ construction documents or reports for the anchorage and bracing of nonstructural equipment.

(c) A licensed specialty contractor may prepare ~~plans and specifications~~ construction documents and may administer the work of construction for health facility construction projects, subject to the following conditions:

1. The work is performed and supervised by the licensed specialty contractor who prepares the ~~plans and specifications~~ construction documents.

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4. The contractor responsible for the design and installation shall also be the person responsible for the filing of reports, pursuant to Section 7-151, ~~and~~

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6. The contractor shall provide with the application for plan review to the Office a written and signed statement stating that he or she is licensed, the number of the license, and that the license is in full force and effect.

#### **7-121. Preliminary plans and outline specifications.**

(a) One copy of the preliminary plans and outline specifications shall be submitted to the Office. Two copies must be submitted if additions, structural alterations or new buildings are included. If applicable, each of the site data reports listed in Section 7-117 (a) 1 shall have been submitted previously. The preliminary design documents will be reviewed by the Office for compliance with Titles 19 and 24, California Code of Regulations. These documents shall provide the following data:

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(f) Acceptance of preliminary plans and outline specifications.

Upon completion of the review of the preliminary plans and outline specifications, the Office will return a marked-up set of the plans and specifications or a written report to the applicant indicating any items that need correction or clarification.

At the time the final ~~plans and specifications~~ construction documents are submitted to the Office, the marked-up copies of the preliminary plans and specifications shall accompany the other documents being filed.

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#### **7-125. Final review of ~~plans and specifications~~ construction documents.**

(a) ~~One copy~~ Two copies of the final ~~plans and specifications~~ construction documents and site data reports shall be submitted to the Office.

1. ~~Two copies must be submitted if additions, structural alterations or new buildings are included.~~

2. ~~The plans and specifications~~ construction documents shall include: architectural, mechanical, electrical, structural ~~seismic restraint~~, and fire and life safety details.

(b) ~~Plans and specifications~~ Construction documents are to be completely and thoroughly checked by the responsible architect or engineer before submission to the Office. ~~Plans and specifications which~~ Construction documents that are incomplete or incorrect will be returned to the applicant.

**[RELOCATED TO 7-126]** ~~1. Where a portion of the construction cannot be fully detailed on the approved plans because of variations in product design and manufacture, the approval of the plans for such portion may be deferred until the material suppliers are selected provided the following conditions are met:~~

~~A. The plans clearly indicate that a deferred approval submittal by the Office is required for the indicated portions of the work prior to fabrication and installation.~~

~~B. The plans and specifications fully describe the performance and loading criteria for such work.~~

~~C. The deferred approval submittals are made in conformance with Section 7-153.~~

~~21. Due to the difficulty of anticipating every unsatisfactory condition that might exist in connection with the existing work where alteration or reconstruction work is proposed, the following clause or one of similar meaning shall be included in all specifications to which the Office gives approval in connection with either reconstruction or alteration work: "The intent of the plans and specifications construction documents is to reconstruct the hospital building in accordance with the California Building Standards Code and Titles 19 and 24, California Code of Regulations. Should any conditions develop not covered by the approved plans and specifications construction documents wherein the finished work will not comply with Titles 19 and Title 24, California Code of Regulations, a change order detailing and specifying the required work shall be submitted to and approved by the Office before proceeding with the work."~~

(c) ~~Final plans and specifications~~ construction documents, and site data reports, except those items specified in Section 7-117 (a), shall be submitted to the Office for review and shall include the following:

1. Site data reports as previously accepted by the Office pursuant to Section 7-117 shall be included with the ~~plans and specifications~~ construction documents.

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(d) After the Office has made its check of the submitted documents, the marked-up set of ~~plans and specifications~~ construction documents will be returned to the architect or engineer in responsible charge. A set of prints from corrected ~~plans and specifications~~ construction documents shall be filed for ~~recheck~~ backcheck when the original check or subsequent backcheck(s) indicates that extensive changes are necessary. Where necessary corrections are of a minor nature, corrected original ~~plans and specifications~~ construction documents may be filed for ~~recheck~~ backcheck. The architect or engineer in responsible charge must provide a written response to all comments made by the Office. The written response must include a description and a location of the corrections made to the construction documents. The written response may be provided as a letter, or may be provided as responses written directly on the marked-up set of drawings. Changes in ~~plans and specifications~~ the construction documents, other than changes necessary for correction, made after submission for approval, shall be brought to the attention of the Office in writing or by submission of revised ~~plans and specifications~~ construction documents identifying those changes. Failure to give such notice voids any subsequent approval given to the ~~plans and specifications~~ construction documents.

The Office places its identification stamp of the Office on the original reproducible plans and the master cover sheet of the specifications when they have been corrected to comply with these

regulations. This stamp is affixed for identification only and must not be construed as "written approval of plans" required in Section 129810 of the Health and Safety Code

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(e) The architect or engineer in responsible charge shall submit to the Office a set of plans and specifications construction documents bearing the identification stamp of the Office. Upon receipt of this set, the Office shall provide written approval of the plans and specifications construction documents.

Any changes made to the approved plans or specifications construction documents shall be made in accordance with Section 7-153. Any change, erasure, alteration or modification not made in accordance with Section 7-153 of any plan or specification construction document bearing the identification stamp of the Office shall void the approval of the application.

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#### **7-126. Deferred submittals.**

**[RELOCATED From 7-125]4(a). Conditions.** Where a portion of the construction design cannot be fully detailed on the approved plans construction document because of variations in product design and manufacture, the approval of the plans construction documents for such portion may be deferred until the material suppliers are selected provided under the following conditions ~~are met~~:

- A1. The plans construction documents clearly indicate describe the that a deferred submittals that shall be approved by the Office is required prior to fabrication and installation for the indicated portions of the work. ~~prior to fabrication and installation.~~
- B2. The plans and specifications construction documents fully describe the performance and loading criteria for such work.
3. After the construction documents are approved and within 30 calendar days after commencement of construction, the architect or engineer in responsible charge shall submit a schedule to the Office indicating when the deferred submittals will be submitted to the Office for review.

~~C. The deferred approval submittals are made in conformance with Section 7-153.~~

**[Relocated from 7-153](d b) Submittal Process and Notation.** Submittal documents for deferred submittal items shall be submitted to the architect or engineer to whom responsibility has been delegated for preparation of plans and specifications construction documents, as listed on the application, for review prior to submittal to the Office. The architect or engineer to whom responsibility has been delegated for preparation of plans and specifications construction documents, as listed on the application, shall review and forward submittal documents for deferred submittal items to the Office with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the project.

(c) **Stamping and Signing.** Stamping and signing of deferred submittals shall comply with Section 7-115(a) and (b).

(d) **Fabrication and installation.** The deferred submittal items shall not be fabricated or installed until their design and submittal documents have been approved by the Office.



(e) **Limitations.** The Office shall have sole discretion as to the portions of the design that may be deferred.

**7-127. Projects exempt from plan review process.**

a) The Office may exempt from the plan review process construction or alteration projects for hospitals, skilled nursing facilities, and intermediate care facilities, if the project meets the following criteria:

1. The estimated construction cost is \$50,000 or less. For the purpose of determining eligibility for exemption from the plan review process, the estimated construction cost excludes imaging equipment costs; design fees; inspection fees; off-site work; and fixed equipment costs, including but not limited to sterilizers, chillers, and boilers.
2. The construction documents are stamped and signed pursuant to Section 7-115 (a) and (b).
3. The entire project or an element of the project shall not pose a clear and significant risk to the health and safety of the patients, staff, or public.

(b) Projects subdivided into smaller projects for the purpose of evading the cost limitation requirement shall not be exempt from the plan review process.

(c) All requirements of Article 4, Construction must be met, except Section 7-135(a)1.

**7-129. Time limitations for approval.**

(a) Final ~~plans and specifications~~ construction documents shall be submitted to the Office within one year of the date of the Office's report on preliminary plans and outline specifications or the application shall become void unless an extension has been requested and approved. The architect or engineer in responsible charge may request one extension of up to 180 calendar days; however, the Office may require that the construction documents meet current regulations. The extension must be requested in writing and justifiable cause demonstrated.

(b) The procedures leading to obtaining written approval of final ~~plans and specifications~~ construction documents shall be carried to conclusion without suspension or unnecessary delay. Unless an extension has been approved by the Office, ~~T~~the application shall become void when either paragraph 1 or 2 occurs:

(1.) ~~p~~Prints from corrected plans or corrected original plans construction documents are not filed for ~~recheck~~ backcheck within ~~six months~~ 90 calendar days after the date of return of checked plans construction documents to the architect or engineer in responsible charge. Backcheck submittals that do not contain a written response to all comments in accordance with Section 7-125(d) shall not be considered an official submittal to the Office. The architect or engineer in responsible charge may request one extension of up to 90 calendar days; however, the Office may require the construction documents be revised to meet current regulations. The extension must be requested in writing and justifiable cause demonstrated.

(2.) ~~a~~ A set of prints of the stamped ~~plans and specifications~~ construction documents are not submitted to the Office within ~~six months~~ 45 calendar days after the date shown ~~on~~ with the identification stamp by the Office.

(c) Construction, in accordance with the approved ~~plans and specifications~~ construction documents, shall commence within one year after obtaining the written approval of ~~plans and specifications~~ construction documents, or this approval shall become void. Prior to the approval becoming void, the applicant may apply for one extension of up to one year. The Office may require that the plans and specification construction documents be revised to meet current regulations before granting an extension reinstating a voided approval. The extensions must be requested in writing and justifiable cause demonstrated.

(d) If the work of construction is suspended or abandoned for any reason for a period of one year following its commencement, the Office's approval shall become void. ~~The Office may reinstate the approval as described in Section 7-129(c) above. Prior to the approval becoming void, the applicant may apply for one extension of up to one year. The Office may require that the construction documents be revised to meet current regulations before granting an extension. The extensions must be requested in writing and justifiable cause demonstrated.~~

### **7-130. Phased submittal, review and approval.**

The Office, in its sole discretion, may enter into a written agreement with the hospital governing board or authority for the phased submittal, review and approval of construction documents.

### **7-131. Incremental design, bidding and construction.**

(a) Incremental design, bidding and construction or "fast-tracking" is a process by which construction of a building is commenced prior to completion of the contract documents for the total project. The Office will approve this process contingent upon receipt of application for approval of ~~plans and specifications~~ construction documents. An incremental project shall consist of no more than one building.

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**[RELOCATED TO 7-133]** ~~(f) Seventy percent of the fee, based upon the estimated construction cost of the entire facility, as calculated in accordance with Section 7-133, shall be paid to the Office upon the submission of the plans of the first construction increment. The final fee shall be based upon the determination of the final actual construction cost.~~

~~(g-f)~~ After the Office has made its check of the submitted documents and the applicant has corrected the originals the documents accordingly, the identification stamp of the Office of Statewide Health Planning and Development, shall be placed on the original reproducible plans and the master cover sheet of the specifications. The identification stamp of the Office shall indicate the increment being approved. ~~The stamp shall indicate the increment being approved.~~ This ~~incremental approval~~ identification stamp of the Office is affixed for identification only and is not the written approval of plans construction documents cited in Section 7-125(d). An Office approval letter shall be issued for each increment which clearly identifies the scope of work involved in the increment being approved. The letter for the final increment shall indicate approval of the entire project.

~~(h-g)~~ Verified compliance reports shall be submitted in conformance with Section 7-151; addenda and change orders, as per Section 7-153 for each increment. Where all increments are being constructed under a single general contract or under a designated agent responsible for the construction of the entire project, the verified reports may cover the work of more than one increment.

(h) Approval of construction will be issued for each increment being constructed under a separate contract. Where all increments are being constructed under a single general contract or where an owner's agent is responsible for the construction of the entire project, final approval of the construction will be issued upon completion of the entire project.

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### 7-133. Fees.

(a) **Plan review and field observation.** The fee for plan review and field observation shall be based on the estimated cost of construction as specified below. If the actual construction cost for a hospital or skilled nursing facility project exceeds the estimated construction cost by more than five percent (5%), a further fee shall be paid to the Office, based on the applicable schedule specified in (a) (1) or (2) and computed on the amount by which the actual cost exceeds the estimated cost.

1. The fee for hospital buildings is 1.64 percent of the estimated construction cost. The estimated construction cost shall include fixed equipment but exclude imaging equipment, design fees, inspection fees, and off-site construction work. The fee for imaging equipment (X-ray, MRI, CT Scan, etc) shall be 0.164 percent of the equipment cost or estimated value. In any event, the minimum fee for review of imaging equipment shall be \$250.00.
- A. The Office shall charge actual costs for review and approval of seismic evaluations and compliance plans prepared pursuant to Article 8, Chapter 1, Part 7, Division 107, (commencing with Section 130000) of the Health and Safety Code. Total cost paid for these review services shall be nonrefundable and shall be deducted from the fee for a future project involving seismic retrofit or new construction pursuant to the hospital building compliance plan approved by the Office.
2. The fee for skilled nursing and intermediate care facilities, as defined in Subdivision (c), (d), (e) or (g) of Section 1250, Health and Safety Code, is 1.5 percent of the estimated construction cost. The estimated construction cost shall include fixed equipment but exclude design fees, inspection fees, and off-site work.

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(d) **Preliminary review.** The fee for review of preliminary plans and outline specifications pursuant to Section 7-121 is 10% of the fee indicated in Section 7-133(a) and shall be due upon the submission of preliminary plans and outline specifications. The preliminary review fee shall be deducted from the application fee specified in Section 7-133(a).

**[Relocated from 7-131(f)] (e) Incremental projects.** The fee for incremental projects pursuant to Section 7-131 is seventy percent (70%) of the fee, based upon the estimated construction cost of the entire facility, as calculated in accordance with Section 7-133(a), and shall be paid to the Office due upon the submission of the plans construction documents of the first construction increment. The final fee shall be based upon the determination of the final actual construction cost.

(f) **Annual permit for hospital projects.** A hospital may choose to apply for an annual permit for one or more small projects of \$50,000 or less in cumulative total estimated construction cost. The annual permit is applicable to only the project(s) submitted within the state's fiscal year in which the Office issues the annual permit. An application filing fee of \$500.00 is due upon submittal of the annual permit and is in lieu of an application filing fee specified in (a) of this

Section.

**(g) Annual permit for skilled nursing facility projects.** A skilled nursing facility may choose to apply for an annual permit for one or more small projects of \$25,000 or less in cumulative total estimated construction cost. The annual permit is applicable to only the project(s) submitted within the state's fiscal year in which the Office issues the annual permit. An application filing fee of \$250.00 is due upon submittal of the annual permit and is in lieu of an application filing fee, as specified in (a) of this Section.

**(h) Phased submittal review.** The fee for phased submittal, review, and approval pursuant to Section 7-130 shall be based on the written agreement, which shall include a schedule for payment. The phased review fee shall not exceed the fee required by Section 7-133(a).

**(i) Geotechnical/Geohazard reports.** The fee for review of a geotechnical/geohazard report shall be \$5,000.00.

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**7-134. Fee refund.**

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**(b) Refunds for projects that are completed.** If the estimated construction cost of a project exceeds the actual construction cost by more than five percent (5%), the excess portion of the fees paid pursuant to Section 7-133 (a) (1) or (2) shall be refunded to the applicant health facility. The refund amount shall be computed based on the amount by which the estimated cost exceeds the actual construction cost.

**Exception:** The Office will not issue a refund if the applicant did not complete construction of at least 75% of the square footage included in the original approved ~~plans and specifications~~ construction documents for the project, or if the applicant reduces the scope of the project shown on the original approved plans by more than 25%.

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**ARTICLE 4 – CONSTRUCTION**

**7-135. Time of beginning construction.**

(a) Construction shall not commence until the health facility has applied for and obtained from the Office:

1. Written approval of the ~~plans and specifications~~ construction documents.

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**7-141. Administration of construction.**

(a) The administration of the work of construction shall be under the ~~general~~ responsible charge of an architect or structural engineer. Where neither structural nor architectural elements are substantially involved, a mechanical or electrical engineer registered in the branch of engineering most applicable to the project may be in responsible charge of the administration of the work of construction.

(b) All architects and engineers to whom responsibility has been delegated for preparation of ~~plans and specifications construction documents~~ as listed on the application shall observe the work of construction for their portion of the project. They shall consult with the architect or engineer person in general responsible charge in the interpretation of the approved ~~plans and specifications construction documents~~, the preparation of addenda, change orders, instruction bulletins, and deferred approvals submittals, and the selection of inspectors and testing laboratories. ~~By manual signatures they shall indicate their responsibility for and approval of change orders and deferred approvals which affect their portion of the project.~~

(c) The architect or engineer ~~having general in~~ responsible charge or having delegated responsibility may name one or more persons to act as an alternate(s) for observation of the work of construction provided such persons are architects or engineers qualified under these regulations to assume the responsibility assigned.

(d) The architect or engineer ~~of record in general~~ responsible charge of the work shall prepare a testing, inspection and observation program which shall be submitted to the Office for approval prior to the issuance of the building permit.

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(g) The observation program shall identify each professional that must, through personal knowledge as defined in Section 7-151, verify that the work is in compliance with the approved ~~plans and specifications construction documents~~. The contractor or owner/builder and the inspector(s) of record shall verify that the work is in compliance with the approved ~~plans and specifications construction documents~~ in accordance with the requirements for personal knowledge as it applies to each participant or discipline. The program...

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#### **7-143. Responsibility of the contractor.**

(a) The contractor shall complete the work in accordance with the approved ~~plans and specifications construction documents~~. The contractor shall not be relieved of any responsibility by the activities of the architect, engineer, inspector or the Office in the performance of their duties.

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#### **7-145. Continuous inspection of the work.**

(a) The general duties of the inspector shall be as follows:

1. The inspector shall have personal knowledge, obtained by continuous inspection of all parts of the work of construction in all stages of its progress to ensure that the work is in accordance with the approved ~~plans and specifications construction documents~~.

...

3. The inspector shall work under the direction of the architect or engineer in responsible charge. All inconsistencies or seeming errors in the approved ~~plans and specifications construction documents~~ shall be reported promptly to the architect or engineer in responsible charge for interpretation and instructions. In no case, however, shall the instructions of the architect or engineer in responsible charge be construed to cause work to be done which is not in conformity with the approved ~~plans and specifications construction documents~~.
4. The inspector shall maintain a file of approved ~~plans and specifications construction documents~~ on the job at all times including all reports of tests and inspections required by the ~~plans and specifications construction documents~~ and shall immediately return any

unapproved documents to the architect or engineer in responsible charge for proper action. The inspector shall also maintain on the job at all times, all codes and regulations referred to in the approved ~~plans and specifications~~ construction documents.

...

6. The inspector(s) of record shall maintain ~~a field records of construction progress of certain phases of construction procedure as follows~~ a field record of construction progress for each day or any portion of a day that they are present at the project site location. The field record shall state the time of arrival, time of departure, a summary of work in progress, and noted deficiencies in the construction or deviations from the approved construction documents. This field record shall document the date, time and method of correction for any noted deficiencies or deviations. In addition, this record shall contain the following as applicable:

- A. ~~The record shall include~~ The time and date of placing concrete; time and date of removal of forms and shoring in each portion of the structure; location of defective concrete; and time, date and method of correction of defects.
- B. ~~The record shall include~~ Identification marks of welders, lists of defective welds, and manner of correction of defects and other related events.
- C. ~~The record shall include a~~ A list of test reports of all nonconforming materials or defective workmanship and shall indicate the corrective actions taken.
- D. When driven piles are used for foundations, ~~the record shall include~~ the location, length and penetration under the last ten blows for each pile. It shall also include a description of the characteristics of the pile driving equipment.

~~E.7.~~ All field records of construction ~~procedure~~ progress shall be retained on the job until completion of the work and shall, upon request, be made available to the Office, the architect or engineer in responsible charge and the owner. Upon completion of the project, these original field records shall be submitted to the hospital governing board or authority. See Section 7-155.

(b) The inspector shall notify the contractor, in writing, of any deviations from the approved ~~plans and specifications~~ construction documents or new construction not in compliance with California Building Standards Code, which have not been immediately corrected by the contractor. Copies of such notice shall be forwarded immediately to the architect, ~~or~~ engineer in responsible charge, owner and to the Office.

...

#### **7-149. Tests.**

(a) Pursuant to Section 7-141, the architect or engineer in responsible charge shall establish and administer the testing program. Where job conditions warrant, the architect or engineer may waive certain specified test contingent upon the approval of the Office. The Office shall be notified as to the disposition of materials noted on laboratory reports. One copy of all test reports shall be forwarded to the Office by the testing agency. The records shall state definitely whether the material tested complies with the approved documents.

(b) The governing board or authority of a health facility shall select a qualified person or testing laboratory as the testing agency to conduct the tests. The selected person or testing laboratory must be approved by the architect or engineer in responsible charge. The governing board or authority shall pay for all tests.

#### **7-151. Verified compliance reports.**

(a) In accordance with Section 7-151(e), or when required by the Office, the architect(s), engineer(s), inspector(s) of record, special inspector(s) and contractor or owner/builder shall each submit to the Office a verified compliance report, with their ~~original~~ signature and based on their own personal knowledge, as defined by this Section. The report shall:

1. Verify that the work during the period, or a portion of the work, covered by the report has been performed and materials used and installed are in accordance with the ~~approved plans and specifications~~ construction documents.

...

(f) The architect or engineer in ~~general~~ responsible charge of the work shall be responsible for ensuring all required verified compliance reports are submitted to the Office.

#### **7-152. Supplantation of an architect, engineer, ~~or~~ inspector of record, special inspector or contractor.**

(a) When supplanting any of the listed individuals, the following shall be submitted to the Office:

1. Prior to plan approval
  - A. Revised application(s) listing the new responsible individuals).
2. Following ~~plan~~ construction document approval
  - A. Revised application(s) listing the new responsible individual(s).
  - B. An initial report, prepared by the supplanting individual(s), based on field observation(s) that the work performed and materials used and installed to date are in accordance with the project's ~~approved plans and specifications~~ construction documents. Any observed issues of nonconformance shall be listed in the report. The supplanting individual(s) shall be responsible for verification of project compliance, pursuant to Section 7-151, for the remainder of the project.
  - C. A final verified report from the supplanted individual(s).

**Exception to (C):** In the event that the supplanted individual refuses to, or cannot provide a final verified report, the owner shall submit a letter to the Office verifying that the work performed and materials used and installed are in accordance with the project's ~~approved plans and specifications~~ construction documents. The letter shall also list the reason the verified report could not be obtained.

#### **7-153. Addenda, change orders and ~~deferred approvals~~ instruction bulletins.**

(a) **Changes in the work.** Work shall be executed in accordance with the approved plans and specifications ~~substantial conformance with the construction documents approved by the Office.~~ Changes in the ~~approved plans and specifications~~ work shall be made by addenda, ~~or~~ change orders, ~~or instruction bulletins~~ approved by the Office. Changes in the work include, but are not limited to, the following: Correction of errors in design and/or construction to bring the construction documents and/or construction into compliance with applicable codes; change(s) in the scope of the work; and additional work required because of discovered conditions. Only changes that materially alter the work shall be submitted to the Office for review and approval as

either an addendum, change order or instruction bulletin. Changes in the work that do not require an addendum, change order, or instruction bulletin shall not be deemed to grant authorization for any work to be done in violation of the provisions of all applicable codes.

(b) **1. Addendum.** Changes or alterations of the approved plans and specifications construction documents prior to awarding a construction contract, or similar instrument of agreement for the work involved, shall be made by means of addendum. Addenda shall be submitted with a form provided by the Office and shall state the reason for the change. The form shall be signed by the architect or engineer in responsible charge or delegated architect or engineer as allowed by Section 7-115. The form shall be accompanied by supplementary construction documents, when necessary. The construction documents shall be stamped and signed pursuant to Section 7-115. Two copies of addenda Addenda shall be signed by the architect or engineer responsible for the preparation of the plans and specifications and shall be submitted for review and approval by the Office. Two copies of the approved addenda shall be furnished to the Office.

(e) **2. Change orders.** Changes or alterations of the approved plans and specifications construction documents after a contract or similar instrument of agreement has been awarded shall be made by means of change orders. 4. Change orders shall be submitted with a form provided by the Office and shall state the reason for the change, show the related addition to or deduction from the current contract price. The form shall be signed by the architect or engineer in responsible charge, or delegated architect or engineer as allowed by Section 7-115, and shall be accompanied by supplementary plans construction documents, when necessary. The construction documents shall be stamped and signed pursuant to Section 7-115. Two copies of the form and construction documents shall be submitted for review and approval by the Office. 2- All change orders shall be signed by the applicant and the architect or engineer generally responsible for the work of construction and approved by the Office prior to installation of the work. except:

**3. Instruction bulletins.** ~~B-~~ To prevent undue delay in construction as determined by the Office, changes in the work may be commenced following preliminary approval of an instruction bulletin by the Office. Instruction bulletins shall be submitted with a form provided by the Office and shall state the reason for the change but is not required to show the related addition to or deduction from the current contract price. The form shall be signed by the architect or engineer in responsible charge, or delegated architect or engineer as allowed by Section 7-115, and shall be accompanied by supplementary construction documents when necessary. The construction documents shall be stamped and signed pursuant to Section 7-115. Two copies of the form and construction documents shall be submitted for review and approval by the Office. Such changes Instruction bulletins shall be confirmed immediately by change order documented by subsequent change orders within 30 calendar days after approval.

**4. Emergencies.** ~~A-~~ Emergency changes to in the work relating to the safety of persons at the construction site may be made immediately. Such emergency changes shall be documented by subsequent change orders and may require modification to comply with these regulations.

(b) **Changes in scope.** At the discretion of the Office, a change order for construction that is outside the scope of the original project may be required to be submitted as a separate project.



**[RELOCATED TO 7-126]** ~~(d) Submittal documents for deferred submittal items shall be submitted to the architect or engineer to whom responsibility has been delegated for preparation of, as listed on the application, for review prior to submittal to the Office.~~

- ~~1. The architect or engineer to whom responsibility has been delegated for preparation of plans and specifications, as listed on the application, shall review and forward submittal documents for deferred submittal items to the Office with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the project.~~
- ~~2. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the Office.~~

...

#### **7-155. Final approval of the work.**

(a) The Office shall schedule a final state agency inspection of the work subsequent to the receipt of the responsible architect's or engineer's statement that the contract is performed or substantially performed.

(b) The final approval of the construction shall be issued by the Office when:

1. All work has been completed in accordance with the approved plans and specifications construction documents.
2. The required verified compliance reports and test and inspection reports have been filed with the Office.
3. All remaining fees have been paid to the Office.

(c) Final approval shall be confirmed by a letter sent to the Department of ~~Health Services~~ Public Health with a copy to the applicant. The letter shall state that the work has been constructed in accordance with the California Building Standards Code, Title 24, California Code of Regulations.

...

#### **7-156. Certification of correctional treatment centers.**

(a) ~~Plans and specifications~~ Construction documents prepared by or under the supervision of the Department of Corrections and Rehabilitation ~~or on behalf of the Department of the Youth Authority~~ for the new construction, reconstruction, alteration or addition of any hospital building and or correctional treatment center, as defined in Section 1250, Health and Safety Code, or any building specified in Section 129875, Health and Safety Code shall be certified to the Office by the Department of Corrections and Rehabilitation ~~or the Department of the Youth Authority~~. ~~Plans, specifications~~ Construction documents and construction of these facilities shall be in full compliance with all applicable building standards including, but not limited to, architectural, structural, mechanical, plumbing, electrical, and fire and life safety.

The Department of Corrections and Rehabilitation ~~the Department of the Youth Authority~~ shall use a secondary peer review procedure to review the design of new construction, reconstruction, alteration or addition in order to ensure that the ~~plans~~ construction documents are in compliance with the building standards of Title 24, Parts 2, 3, 4, 5, and 9. The secondary peer review shall be performed by a licensed architect, structural engineer, mechanical engineer and electrical engineer, as applicable.

Upon completion of construction, a written certification signed by the Director or designee of the Department of Corrections and Rehabilitation or ~~Department of the Youth Authority~~ shall be submitted to the Office and shall include:

1. Description of the project scope;
2. Certification that ~~plans, specifications~~ construction documents and construction are in full compliance with all applicable building standards of Title 24, Parts 2,3,4, 5 and 9;
3. Certification that a secondary peer review has been completed and the peer review indicates that the design for new construction, reconstruction, alteration or addition to the facility adheres to all building standards of Title 24, Parts 2, 3, 4, 5 and 9;
4. Certification that construction inspection was performed by a competent on-site inspector and that all work was completed in accordance with the complying ~~plans and specifications~~ construction documents; and
5. Attachments which include the final as-built ~~plans and specifications~~ construction documents.

(b) ~~Plans and specifications~~ Construction documents prepared by or under the supervision of a city, county or city and county law enforcement agency for the new construction, reconstruction, alteration or addition of any hospital building and or correctional treatment center, as defined in Section 1250, Health and Safety Code, or any building specified in Section 129875, Health and Safety Code shall be certified to the Office by the law enforcement agency. ~~Plans, specifications~~ Construction documents and construction of these facilities shall be in full compliance with all applicable building standards including, but not limited to, architectural, structural, mechanical, plumbing, electrical and fire and life safety.

Upon completion of construction a written certification signed by the law enforcement agency head or designee shall be submitted to the Office and shall include:

1. Description of the project scope;
2. Certification that ~~plans, specifications~~ construction documents and construction are in full compliance with all applicable building standards of Title 24, Parts 2, 3,4, 5 and 9; and
3. Attachments which include the final as-built ~~plans and specifications~~ construction documents.

...

## ARTICLE 19 – CERTIFICATION AND APPROVAL OF HOSPITAL INSPECTORS

...

### 7-203. Applying for the certification examination.

(a) An applicant may apply for the Hospital Inspector Certification Exam by submitting to the Office the following items prior to the final filing date announced for a scheduled exam:

1. A completed ~~original~~ application provided by the Office, shall be submitted to the Office in Sacramento and shall include the exam title, preferred examination location, applicant's name, mailing address and telephone number. **[Relocated from section 7-206]** An application for an examination is valid for one year commencing with the first available examination date.

...

5. ~~Citizenship/Qualified Alien verification form, "Statement of Citizenship, Alienage, and Immigration Status for State Public Benefits," provided by the Office as stipulated in Section 7-2-16 (e) 1.~~

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#### **7-204 Minimum qualification for examination.**

An applicant must meet the following criteria to be eligible to participate in the certification examination for a Class "A", "B", or "C" Hospital Inspector:

...

##### **(c) Minimum qualifications for class "C" hospital inspector exam:**

1. High school graduation or the equivalent and four years experience involving building projects as the representative in testing, inspection or observation of construction for an architect, engineer, owner, local building official, local fire authority, testing lab, specialty contractor or general contractor and possess a valid certificate issued by:

Fire Alarm – National Institute for the Certification of Engineering Technologies (NICET), Level III

Fire Extinguishing Systems – NICET, Level III

Fire Resistive Construction-International Code Council (ICC) Building Inspector

Certification Medical Gas Systems – ~~PIPE~~ National Inspection Testing Certification (NITC)

Plumbing – International Association of Plumbing and Mechanical Officials (IAPMO) Certification

Mechanical – IAPMO Certification

...

Welding-American Welding Society (AWS) Certification

#### **7-206. Fees.**

...

(c) An application review fee must accompany an application for a certification examination. This fee is nonrefundable. **[Relocated to Section 7-203]** ~~An application for an examination is valid for one year.~~

...

#### **7-207. Examination for certification.**

(a) The Office shall administer an exam not less than once in every calendar year in the Sacramento and Los Angeles areas. The certification exam will consist of a written exam.

(b) The scope of the written certification examinations is as follows:

1. The examinations for Class "A" and "B" Hospital Inspectors will measure the applicant's ability to read and understand construction plans and specifications documents; ability to

identify and understand the application of various California Building Standards Code requirements; knowledge of appropriate inspector duties and ability to communicate in writing. The test will be divided ...

...

**7-213. Monitoring of the hospital inspector of record's performance.** When the Office determines that a Hospital Inspector of Record has violated a provision of these regulations or that the inspector is not competently or adequately providing inspection of a facility to ensure the hospital construction is in compliance with the ~~plans and specifications~~ construction documents, the Office will notify that inspector, the hospital governing board or authority, and the architect and/or engineer in responsible charge.

...

**~~7-216. Verification of citizenship or qualified alien status.~~**

~~(a) All eligibility requirements contained herein shall be applied without regard to the race, creed, color, gender, religion or national origin of the individual applying for the public benefit.~~

~~(b) Pursuant to Section 411 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 [Pub. L. No. 104-193 (PRWORA)], (8 U.S.C. § 1621), and notwithstanding any other provision of this division, aliens who are not qualified aliens, nonimmigrant aliens under the Immigration and Nationality Act (INA) [8 U.S.C. § 1182(d)(5)] for less than one year, are not eligible to receive certification as set forth in Article 19, "Certification and Approval of Hospital Inspectors."~~

~~(c) A qualified alien is an alien who, at the time he or she applies for the Hospital Inspector examination is, under Section 431(b) of the PRWORA [8 U.S.C. §§ 1641 (b) and (c)], any of the following:~~

- ~~1. An alien lawfully admitted for permanent residence under the INA (8 U.S.C. §§ 1101 et seq.).~~
- ~~2. An alien who is granted asylum under Section 208 of the INA (8 U.S.C. § 1158).~~
- ~~3. A refugee who is admitted to the United States under Section 207 of the INA (8 U.S.C. § 1157).~~
- ~~4. An alien who is paroled into the United States under Section 212(d)(5) of the INA [8 U.S.C. § 1182(d)(5)] for a period of at least one year.~~
- ~~5. An alien whose deportation is being withheld under Section 243(h) of the INA [8 U.S.C. § 1253(h)] (as in effect immediately before the effective date of Section 307 of Division C of Public Law 104-208) or Section 241(b)(3) of such act [8 U.S.C. § 1251(b)(3)] [as amended by Section 305(a) of Division C of Public Law 104-208].~~
- ~~6. An alien who is granted conditional entry pursuant to Section 203(a)(7) of the INA as in effect prior to April 1, 1980 [8 U.S.C. § 153 (a)(7)] (see editorial note under 8 U.S.C. § 1101, "Effective Date of 1980 Amendment").~~
- ~~7. An alien who is a Cuban or Haitian entrant [as defined in Section 501(e) of the Refugee Education Assistance Act of 1980 (8 U.S.C. § 1522 note)].~~

~~8. An alien who meets all of the conditions of subparagraph A, B, C and D below:~~

- ~~A. The alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien, and the spouse or parent of the alien consented to, or acquiesced in, such battery or cruelty. For purposes of this subsection, the term "battered or subjected to extreme cruelty" includes, but is not limited to being the victim of any act or threatened act of violence including any forceful detention, which results or threatens to result in physical or mental injury. Rape, molestation, incest (if the victim is a minor) or forced prostitution shall be considered acts of violence.~~
- ~~B. There is a substantial connection between such battery or cruelty and the need for the benefits to be provided in the opinion of the Office of Statewide Health Planning and Development. For purposes of this subsection, the following circumstances demonstrate a substantial connection between the battery or cruelty and the need for the benefits to be provided:~~
- ~~(1) The benefits are needed to enable the alien to become self-sufficient following separation from the abuser.~~
  - ~~(2) The benefits are needed to enable the alien to escape the abuser and/or the community in which the abuser lives, or to ensure the safety of the alien from the abuser.~~
  - ~~(3) The benefits are needed due to a loss of financial support resulting from the alien's separation from the abuser.~~
  - ~~(4) The benefits are needed because the battery or cruelty, separation from the abuser, or work absences or lower job performance resulting from the battery or extreme cruelty or from legal proceedings relating thereto (including resulting child support, child custody and divorce actions) cause the alien to lose his or her job or to earn less or to require the alien to leave his or her job for safety reasons.~~
  - ~~(5) The benefits are needed because the alien requires medical attention or mental health counseling, or has become disabled, as a result of the battery or extreme cruelty.~~
  - ~~(6) The benefits are needed because the loss of a dwelling or source of income or fear of the abuser following separation from the abuser jeopardizes the alien's ability to care for his or her children (e.g., inability to house, feed or clothe children or to put children into a day care for fear of being found by the abuser).~~
  - ~~(7) The benefits are needed to alleviate nutritional risk or need resulting from the abuse or following separation from the abuser.~~
  - ~~(8) The benefits are needed to provide medical care during a pregnancy resulting from the abuser's sexual assault or abuse of, or relationship with, the alien and/or to care for any resulting children.~~
  - ~~(9) Where medical coverage and/or health care services are needed to replace medical coverage or health care services the alien had when living with the abuser.~~

- ~~C. The alien has been approved or has a petition pending which sets forth a prima facie case for:~~
- ~~(1) Status as a spouse or child of a United States citizen pursuant to clause (ii), (iii) or (iv) of Section 204(a)(1)(A) of the INA [8 U.S.C. Section 1154 (a)(1)(A)(ii), (iii) or (iv)];~~
  - ~~(2) Classification pursuant to clause (ii) or (iii) of Section 204(a)(1)(B) of the INA [8 U.S.C. Section 1154(a)(1)(B)(ii) or (iii)];~~
  - ~~(3) Cancellation of removal under 8 U.S.C. § 1229b as in effect prior to April 1, 1997;~~
  - ~~(4) Status as a spouse or child of a United States citizen pursuant to clause (i) of Section 204(a)(1)(A) of the INA [8 U.S.C. 41154(a)(1)(A)(i)] or classification pursuant to clause (i) of Section 204 (a)(1)(B) of the INA [8 U.S.C. § 1154(a)(1)(A)(i)] or classification pursuant to clause (i) of Section 204(a)(1)(B) of the INA [8 U.S.C. 41154(a)(1)(B)(i)]; or~~
  - ~~(5) Cancellation of removal pursuant to Section 240A(b)(2) of the INA[8 U.S.C. §1229(b)(2)].~~
- ~~D. For the period for which benefits are sought, the individual responsible for the battery or cruelty does not reside in the same household or family eligibility unit as the individual subjected to the battery or cruelty.~~

~~9. An alien who meets all of the conditions of subparagraphs A, B, C, D and E below:~~

- ~~A. The alien has a child who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien, and the spouse or parent consented or acquiesced to such battery cruelty. For purposes of this subsection, the term "battered or subjected to extreme cruelty" includes, but is not limited to, being the victim of any act or threatened act of violence including any forceful detention, which results or threatens to result in physical or mental injury. Rape, molestation, incest (if the victim is a minor) or forced prostitution shall be considered acts of violence.~~
- ~~B. The alien did not actively participate in such battery or cruelty.~~
- ~~C. There is a substantial connection between such battery or cruelty and the need for the benefits to be provided in the opinion of the Office of Statewide Health Planning and Development. For purposes of this subsection, the following circumstances demonstrate a substantial connection between the battery or cruelty and the need for the benefits to be provided:~~
- ~~(1) The benefits are needed to enable the alien's child to become self-sufficient following separation from the abuser.~~
  - ~~(2) The benefits are needed to enable the alien's child to escape the abuser and/or the community in which the abuser lives, or to ensure the safety of the alien's child from the abuser.~~
  - ~~(3) The benefits are needed due to a loss of financial support resulting from the alien's child's separation from the abuser.~~

- ~~(4) The benefits are needed because the battery or cruelty, separation from the abuser, or work absences or lower job performance resulting from the battery or extreme cruelty or from legal proceedings relating thereto (including resulting child support, child custody and divorce actions) cause the alien's child to lose his or her job or earn less or to require the alien's child to leave his or her job for safety reasons.~~
- ~~(5) The benefits are needed because the alien's child requires medical attention or mental health counseling, or has become disabled, as a result of the battery or extreme cruelty.~~
- ~~(6) The benefits are needed because the loss of a dwelling or source of income or fear of the abuser following separation from the abuser jeopardizes the alien's child's ability to care for his or her children (e.g., inability to house, feed or clothe children or to put children into a day care for fear of being found by the abuser).~~
- ~~(7) The benefits are needed to alleviate nutritional risk or need resulting from the abuse or following separation from the abuser.~~
- ~~(8) The benefits are needed to provide medical care during a pregnancy resulting from the abuser's sexual assault or abuse of, or relationship with, the alien's child and/or to care for any resulting children.~~
- ~~(9) Where medical coverage and/or health care services are needed to replace medical coverage or health care services the alien's child had when living with the abuser.~~

~~D. The alien meets the requirements of (c)8.C. above.~~

~~E. For the period for which benefits are sought, the individual responsible for the battery or cruelty does not reside in the same household or family eligibility unit as the individual subjected to the battery or cruelty.~~

~~10. An alien child who meets all of the conditions of sub-paragraphs A, B or C below:~~

~~A. The alien child resides in the same household as a parent who has been battered or subjected to extreme cruelty in the United States by that parent's spouse or by a member of the spouse's family residing in the same household as the parent and the spouse consented or acquiesced to such batter or cruelty. For purposes of this subsection, the term "battered or subjected to extreme cruelty" includes, but is not limited to, being the victim of any act or threatened act of violence including any forceful detention, which results or threatens to result in physical or mental injury. Rape, molestation, incest (if the victim is a minor) or forced prostitution shall be considered acts of violence.~~

~~B. There is a substantial connection between such battery or cruelty and the need for the benefits to be provided in the opinion of the Office of Statewide Health Planning and Development. For purposes of this subsection, the following circumstances demonstrate a substantial connection between the battery or cruelty and the need for the benefits to be provided:~~

- ~~(1) The benefits are needed to enable the alien child's parent to become self-sufficient following separation from the abuser.~~

- ~~(2) The benefits are needed to enable the alien child's parent to escape the abuser and/or the community in which the abuser lives, or to ensure the safety of the alien child's parent from the abuser.~~
- ~~(3) The benefits are needed due to a loss of financial support resulting from the alien child's parent's separation from the abuser.~~
- ~~(4) The benefits are needed because the battery or cruelty, separation from the abuser, or work absences or lower job performance resulting from the battery or extreme cruelty or from legal proceedings relating thereto (including resulting child support, child custody and divorce actions) cause the alien child's parent to lose his or her job or to earn less or to require the alien child's parent to leave his or her job for safety reasons.~~
- ~~(5) The benefits are needed because the alien child's parent requires medical attention or mental health counseling, or has become disabled, as a result of the battery or extreme cruelty.~~
- ~~(6) The benefits are needed because the loss of a dwelling or source of income or fear of the abuser following separation from the abuser jeopardizes the alien child's parent's ability to care for his or her children (e.g., inability to house, feed or clothe children or to put children into a day care for fear of being found by the abuser).~~
- ~~(7) The benefits are needed to alleviate nutritional risk or need resulting from the abuse or following separation from the abuser.~~
- ~~(8) The benefits are needed to provide medical care during pregnancy resulting from the abuser's sexual assault or abuse of, or relationship with, the alien child's parent and/or to care for any resulting children.~~
- ~~(9) Where medical coverage and/or health care services are needed to replace medical coverage or health care services the alien child's parent had when living with the abuser.~~

~~C. The alien meets the requirements of 3H(3) above.~~

~~(d) For purposes of this section, "nonimmigrant" is defined the same as in Section 101(a)(15) of the INA [8 U.S.C. § 1101(a) (15)].~~

~~(e) For purposes of establishing eligibility for "Certification and Approval of Hospital Inspectors" examination, as authorized by Sections 1275,127010,127015,129689 and 129825 of the Health and Safety Code, all of the following must be met:~~

- ~~1. The applicant must declare himself or herself to be a citizen of the United States, a qualified alien under subsection (c), a nonimmigrant alien under subsection (d), or an alien paroled into the United States for less than one year under Section 212 (d)(5) of the INA [8 U.S.C. § 1182(d) (9)]. The applicant shall declare that status through use of a form provided by the Office of State-wide Health Planning and Development.~~
- ~~2. The applicant must present documents of a type acceptable to the Immigration and Naturalization Service (INS) which serve as reasonable evidence of the applicant's~~



~~declared status. A fee receipt from the INS for replacement of a lost, stolen or unreadable INS document is reasonable evidence of the alien's declared status.~~

- ~~3. The applicant must complete and sign the form provided by the Office of Statewide Health Planning and Development.~~
- ~~4. Where the documents presented do not on their face appear to be genuine or to relate to the individual presenting them, the government entity that originally issued the documents should be contacted for verification. With regard to naturalized citizens and derivative citizens presenting certificates of citizenship and aliens, the INS is the appropriate government entity to contact for verification. The Office of Statewide Health Planning and Development should request verification from the INS by filing INS Form G-845 with copies of the pertinent documents provided by the applicant with the local INS office. If the applicant has lost his or her original documents or presents expired documents or is unable to present any documentation evidencing his or her immigration status, the applicant should be referred to the local INS office to obtain the proper documentation.~~
- ~~5. The type of documentation referred to the INS for verification pursuant to INS Form G-845 shall include the following:~~
  - ~~A. The document presented indicates immigration status but does not include an alien registration or alien admission number.~~
  - ~~B. The document is suspected to be counterfeit or to have been altered.~~
  - ~~C. The document includes an alien registration number in the A6-000-000 (not yet issued) or A80-000-000 (illegal border crossing) series.~~
  - ~~D. The document is one of the following: an INS Form I-181b notification letter issued in connection with an INS Form I-181b Memorandum of Creation of Record of Permanent Residence, an Arrival-Departure Record (INS Form I-94) or a foreign passport stamped "PROCESSED FOR I-551, TEMPORARY EVIDENCE OF LAWFUL PERMANENT RESIDENCE" that INS issued more than one year before the date of application for the Hospital Inspector Certification exam.~~
- ~~6. If the INS advises that the applicant has citizenship status or immigration status which makes him or her a qualified alien under the PRWORA, the INS verification should be accepted. If the INS advises that it cannot verify that the applicant has citizenship status or an immigration status that makes him or her a qualified alien, benefits should be denied and the applicant notified pursuant to the Hospital Inspector Certification Examination regular procedures of his or her rights to appeal the denial of benefits.~~

~~(f) Pursuant to Section 434 of the PRWORA (8 U.S.C. § 1644), where the Office of Statewide Health Planning and Development reasonably believes that an alien is unlawfully in the state based on the failure of the alien to provide reasonable evidence of the alien's declared status, after an opportunity to do so, said alien shall be reported to the Immigration and Naturalization Service.~~

~~(g) Provided that the alien has completed and signed the form provided by the Office of Statewide Health Planning and Development under penalty of perjury, eligibility for the Hospital Inspector Certification Examination shall not be delayed, denied, reduced or terminated while the status of the alien is verified.~~

~~(h) Pursuant to Section 432(d) of the PRWORA [8 U.S.C. § 1642 (d)], a nonprofit charitable organization that provides federal, state or local public benefits shall not be required to determine, verify or~~

~~otherwise require proof of eligibility of any applicant or beneficiary with respect to his or her immigration status or alienage.~~

~~(i) Any applicant who is determined to be ineligible pursuant to subsections (b) and (e) or who was made eligible for the Hospital Inspector Certification Examination, whose services are terminated, suspended or reduced pursuant to subsections (b) and (e), is entitled to an appeal, pursuant to Section 7-215 of article 19, Chapter 7, Part 1.~~

## ARTICLE 20 – REPAIR OF EARTHQUAKE DAMAGE

...

### 7-302. Pre-1973 structures.

These hospital buildings were approved for construction by local building departments prior to March 7, 1973.

(a) All structural repairs shall be made to conform to vertical load requirements of the California Building Code.

...

(g) Epoxy injection repairs shall ~~require submittal of backup information per section 104.11, Appendix Chapter 1 of the CBC~~ be in accordance with the 2007 California Building Code Section 1917A.2.

## ARTICLE 21 – PLAN REVIEW, BUILDING INSPECTION AND CERTIFICATION OF SURGICAL CLINICS, CHRONIC DIALYSIS CLINICS AND OUTPATIENT SERVICES CLINICS

### 7-2100. Scope of responsibilities.

...

(d) If the city or county indicates to the applicant that it will not include certification with plan review of the specified clinic project, the city or county shall review the plans to the provisions of the latest edition of the California Building Standards Code, excluding the clinic provisions. The governing authority or owner shall also submit the following items to the Office:

1. A completed application, ~~design plans and specifications~~ construction documents for the clinic project, pursuant to Section 7-113, and; ...

(e) The Office shall review the ~~plans and specifications~~ construction documents to determine whether or not the clinic project meets the applicable clinic provisions in the latest edition of the California Building Standards Code.

(f) Upon completion of plan review and receipt of all applicable fees, the Office shall provide the clinic applicant with written certification that the project ~~design plans and specifications~~ construction documents meet the clinic provisions in the latest edition of the California Building Standards Code.

...

**7-2102. Request for the Office to provide plan review for surgical clinics and chronic dialysis clinics.**

...

(b) If the Office agrees to provide plan review and certification services for the governing authority or owner, the applicant shall submit the following items to the Office:

1. A completed application, ~~design plans and specifications~~ construction documents for the clinic project, pursuant to Section 7-113, and;
2. A fee, pursuant to Section 7-2106.

...

(d) Upon completion of plan review and receipt of all applicable fees, the Office shall provide the applicant with written certification that the ~~project design plans and specifications~~ construction documents meet the applicable clinic provisions in the latest edition of the California Building Standards Code.

...

**7-2103. Hospital outpatient services clinic project submittal to local building jurisdiction.**

...

(d) If the city or county indicates to the hospital governing authority or owner that it will not include certification with plan review of the specified clinic project, the city or county shall review the plans to the provisions of the latest edition of the California Building Standards Code, excluding the clinic provisions. The applicant shall also submit the following items to the Office:

1. A completed application, ~~design plans and specifications~~ construction documents for the clinic project, pursuant to Section 7- 11 3, and;
2. A fee, pursuant to Section 7-2106.

(e) The Office shall review the ~~plans and specifications~~ construction documents for certification to determine whether or not the clinic project meets the applicable clinic provisions in the latest edition of the California Building Standards Code.

(f) Upon completion of plan review and receipt of all applicable fees, the Office shall provide the clinic applicant with certification that the project ~~design plans and specifications~~ construction documents meet the applicable clinic provisions in the latest edition of the California Building Standards Code.

...

**7-2104. Plan review and building inspection by the Office for hospital outpatient services clinics.**

...

(b) The Office shall perform the requested plan review and building inspection services when the hospital governing authority submits the following items to the Office:

1. A completed application, ~~design plans and specifications~~ construction documents for the clinic project, pursuant to Section 7-113; and;

2. A fee, pursuant to Section 7-2106.

(c) For clinic facilities described in Section 7-2100(a)3, upon completion of the building construction and receipt of all applicable fees, the Office will provide certification that the ~~plans~~ construction documents and construction comply with the applicable provisions in the California Building Standards Code.

...

Notation

Authority: Health and Safety Code Sections 18929 and 129850

References: Health & Safety Code Sections 129765, 129785, 129825, 129850, and 129880